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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,412	03/09/2004	Pietro Scarafile	D-1219 R2	4121

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EXAMINER	
HESS, DANIEL A	

ART UNIT	PAPER NUMBER
2876	

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/797,412	SCARAFILE ET AL.
	Examiner	Art Unit
	Daniel A. Hess	2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 March 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,7-17 and 25-28* is/are rejected.

7)☒ Claim(s) *5,6,18-24 and 29-34* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This action is in response to applicant's 3/9/2004 filing with the Office.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Gardner (US 5,929,413).

Re claim 1: The applicant's claim limitations are included below italics, with a discussion of Gardner's associated teaches as they related to those particular limitations.

> *An automated banking machine apparatus comprising: a machine housing; a controller within the machine housing; a cash dispenser; a user interface including a card accepting opening in supporting connection with the machine housing, wherein the apparatus is operative to dispense cash to users responsive to inputs to the user interface;*

ATMs as a rule require a housing, a controller, a cash dispenser, a user interface including a card slot, and a cash dispensing system. See figure 1 of Gardner; his ATM is no exception. A card slot receiving area 60, a cash dispenser 18, and a user interface 16, 20 are all present. The entire front face is the face of the housing. A controller is implicit, to process user input and authorize cash dispensing.

a card reader in the machine housing adapted to read data encoded on cards moved through the card accepting opening,

See figure 3: A card reader 61 is present which receive cards moved through the card-accepting opening.

the card reader including an inlet end adjacent the card accepting opening, and an outlet end disposed within the housing and in an inward direction relative to the card accepting opening and inlet end;

As can be seen in figure 3, an inlet end 65 is adjacent the accepting opening. An outlet end 62 is inside the housing and is in an inward direction relative to the card accepting opening.

a movable member disposed adjacent the outlet end, wherein when a card is moved from the card reader through the outlet end, the card is operatively engaged with the movable member and is moved in the inward direction away from the card reader.

See figure 8: Moveable rollers 66d and 68d are adjacent to the outlet end and there the card 26 is engaged with the moveable member and is moved in an inward direction away from the card reader.

Re claim 2: Still viewing figure 8, the card is moved into a bin and away from the card reader while in a bin.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 3, 4, 7-11, 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gardner.

Re claim 3: Gardner teaches (see figure 8 again) that the card is driven into the escrow bin 80. The rollers give the card enough velocity to push it into the bin, where it falls or drops. This can broadly be considered 'throwing.' The applicant has not defined throwing as requiring any particular velocity. Nor has the applicant suggested that the card, when thrown, must have have an upward velocity component.

Re claims 4 and 7: The ejection mechanism for cards often includes a springlike means for propelling cards. Carnegie et al. (US 6402024) is one example of this (see column 1, lines 50-60). A motivation to push a card beyond where it is clenched by rollers.

Re claim 8: The bottom of the bin 80 of figure 8 is one bounding wall, and the card can thus be considered to be 'thrown toward the bounding wall.'

Re claim 9: The bin of Gardner is an escrow bin; by the nature of an escrow bin, it should be accessible so that a person can access the cards inside. On the other hand, the bin should be closed during normal operation because the cards (figure 8) drop freely into the bin and if it weren't closed off, cards could fly out of the bin upon being dropped into it. Thus, a

door is a clear solution. Another reason is so that an operator who is not authorized to access the cards is kept from accessing them.

Re claim 10: Re claims 3 and 4: Having a lock on a bin which stores ATM cards is typical in the art. In ATMs, the need to lock components which store financially valuable items is well-known. In fact, in locking a compartment which stores valuables is old and well-known, for theft prevention.

Re claim 11: Gardner does not show that the bin opening comprises a lid. However, containers have been bound by lids for a long time. One would have been motivated to do this so that items do not fall out of the container when opened.

Re claim 25: This inward movement is shown by Gardner. The rollers are clearly controlled by some controller.

Re claim 26: Capturing a card after repeated pin failures is common to avoid fraud. See for example Gustin et al. (US 6021048: column 9):

"If the subsequent or second password is incorrect, the machine retains the card and the screen display will show on its face, as shown in FIG. 8E, the statement that there still is an incorrect password, and that the card is being retained. The card has been "eaten" by the machine. The card can be retrieved only by contacting the financial institution owning the machine. "

Re claim 27: This is a method which follows from claims 1 and 3.

Re claim 28: This is a method which follows from claim 2.

Claims 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gardner in view of Isozaki et al. (US 4,919,058).

Re claims 12-15: Gardner fails to show a protruding 'card housing' which can either extend through the fascia of the ATM or be pulled back away from the fascia.

Isozaki teaches (see notably figure 4, ref. 60) a card reader having a protruding aspect 60 that protrudes through the fascia opening, but which can be pulled back away from the fascia opening. Mounts exist (see rails 67) which enable the card reader to be moved relative to the fascia portion.

In view of Isozaki et al.'s teaching, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the old and well-known outward-protruding reader portion that can be pulled back so that one can service the reader without having to reattach the card receiving portion and also ensure that the card receiving portion exactly lines up as it should. I.e., one is 'forced' to line things up properly when reassembling the ATM after servicing.

Re claim 16: Isozaki recites (column 2, lines 25-45):

"resilient means for **urging said door to a closed position** in which it covers said aperture; operating means for moving said door from closed position to open position against the influence of said resilient means; support means fixed to said housing; lever means pivotally mounted on said support means and having one end coupled to said operating means; follower means mounted on the other end of said lever means; and engaging means fixed to said mechanism and engageable with said follower means as said mechanism is moved in a **first direction to a**

position in which said projecting portion projects through said aperture, whereby movement of said mechanism in said first direction causes said engaging means to move said lever means to cause said operating means to move said door to open position, and **whereby when said mechanism is moved in a second opposite direction so that said projecting portion is withdrawn from said aperture, said engaging means is moved out of engagement with said follower means to permit said resilient means to move said door into closed position.**"

Here, clearly Isozaki teaches a system wherein a gate closes when an internal mechanism is moved away for servicing.

In view of Isozaki's teaching, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the old and well-known door adapted to block the fascia opening during servicing for security purposes.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Isozaki/Gardner as applied to claim 16 above, in view of Beck et al. (US 4,612,864).

Isozaki fails to teach the use of a cam surface in producing the movement of Isozaki's gate.

Beck et al. teaches a gate for the fascia of an ATM during servicing which uses a cam surface to effect movement (column 4, lines 30-50):

"Locking pawl 31 is shown in detail in FIGS. 13 and 14. Pawl 31 includes an

arm 111, an upwardly extending tab 113 for blocking the movement of arm 98 of Geneva claw 29 when door 23 is closed, a downwardly extending tab 115, a generally curved surface 117, a **rearward cam surface** 118, a **forward cam surface** 119, a hole 120 and a hole 121 through tab 115. A post 123 extends through hole 120, through a spacer 124, a bushing 125 and a similar aligned hole in platform 87 to pivotally mount locking pawl 31 on the platform. (See FIG. 4). The ends of post 123 are threaded, and a threaded cap 126 retains pawl 31 on post 123, and a nut 127 holds post 123 in platform 87. A tab 128 extends upwardly on platform 87, and is provided with a hole; a wire coil spring 129 extends at one of its ends through the hole in tab 128 and at its other end through hole 121 in tab 115, for biasing pawl 31 in the clockwise direction as shown in FIG. 3 to place the pawl in its blocking position as discussed below."

In view of Beck et al.'s teaching, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the old and well-known cam surface to move the gate because such a mechanical arrangement is both sturdy and durable.

Allowable Subject Matter

Claims 5, 6, 18-24, 29-34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Re claim 5: The prior art of record fails to teach or fairly suggest an arrangement whereby a card a thrown by a resilient (or springlike) member from an inward end of a card reader, after the card is moved from the card reader. Garder (see figure 8) can be construed as teaching throwing in a broad sense (see discussion re claim 3, above) but there is no resilient member.

Re claim 18: The prior art of record fails to teach or fairly suggest an arrangement whereby in addition to the various other limitations, there is "at least one ramp surface extending in supporting connection with the inside face, wherein the at least one ramp surface is operative to guide the card housing into the fascia opening as the card reader is moved to the operative position."

Re claim 29: This is a method which follows from claim 5.

Re claim 34: This is a method which follows from claim 18.

The examiner wishes to note that subject matter which is indicated allowable in this section is indicated such on the basis of all of the limitations which are included in the claim, even if those limitations are not explicitly recited in the discussion of reasons why that claim is allowed. Thus, the above claims would not necessarily be allowable without the various limitations from claims upon which it depends.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel A. Hess whose telephone number is (571) 272-2392. The examiner can normally be reached on 8:00 AM - 5:00 PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DH
5/26/05

DANIEL STCYR
PRIMARY EXAMINER